

Manufactured Housing Dispute Resolution Program Frequently Asked Questions

I have filled out a complaint form. What can I expect will happen next?

We will send a simple letter confirming receipt of your complaint. Within a week, our team will review your complaint and decide if it is an issue that we may be able to help you with. If we think we may be able to help, you will receive another letter that explains our processes and indicates the staff member assigned to your case. We will then start the negotiation phase by sending a copy of your complaint to the other party (we call that person the “respondent”) and asking for a response within 10 days.

If your issue is outside of our power to help, we will refer you to any available resources.

What is the negotiation phase?

In this first phase of the process, we will talk with both the complainant and the respondent individually by phone. During this time, we gather facts, provide education and information and determine the positions of the parties in an effort to bring compromise and compliance with the law

What if we don't get anywhere in the negotiation phase?

Negotiation is sometimes unsuccessful because the parties provide conflicting information or are unwilling to participate. If this is the case, the next step is for our staff to decide if the complaint is something we should investigate further. If we decide not to investigate, both parties will receive letters explaining our decision.

What will happen in the investigation phase?

If we decide to investigate formally, letters are sent to both parties explaining the process and what they can expect. During this phase, our investigator may conduct site visits, interview witnesses, search public records, subpoena documents from parties, engage the services of an independent expert, etc. Following a formal investigation, we will issue a written determination of whether or not a violation occurred and what actions are required to fix the problem.

What can I appeal and how do I do it?

Only written determinations by the Manufactured Housing Dispute Resolution Program (MHDRP) issued following a formal investigation can be appealed in court. This means that you should expect a written determination to be made for your complaint only after you've received a letter informing you that an investigation has been opened for your complaint. All written Notices of Violation or Nonviolation may be appealed by writing us a letter and requesting a hearing. All fines can also be appealed. Sometimes we will issue an order that may require a party to take some action or stop something they are doing and those orders are also appealable.

How does the MHDRP enforce those notices?

The MHDRP is empowered to fine respondents who do not fulfill the requirements of the Notice of Violation. This fine can be up to \$250 per day.

What does it mean to appeal (or challenge) an order, fine, or notice?

When you appeal an order, fine or notice, we will set up a hearing with an administrative law judge (ALJ). Administrative court is somewhat less formal than the regular county superior courts, but the ALJ will do much the same thing as a courtroom judge. There will not be a jury, however, and the ALJ will decide whether or not to support whatever decision we had previously made. If the ALJ agrees with us, then whatever was appealed goes back into effect. Otherwise, the challenged action is “vacated”, which means it never really happened.

I received a complaint from the MHDRP. Do I have to respond?

The short answer is no. No one is required to take part in the negotiation phase of the MHDRP, but we strongly encourage everyone to do so because we find that many disputes can be resolved quickly and to both parties' satisfaction during this phase. Additionally, the MHDRP is also an enforcement agency that will review all unresolved complaints for potential violations of the law and may initiate a formal investigation to determine whether the law has been violated. See above under “*What if we don't get anywhere in the negotiation phase*”.

What does this service cost?

This service is free to use. The program is funded by a \$10 annual fee paid by the landlord for each pad rented in their community. The landlord may collect \$5 of that fee from the tenant.

What can I do to help my case?

Come to the program in “good faith” with a willingness to work to resolve the issue; try to set aside any anger you have and be ready to focus on the issues. Send us COPIES of any documents, letters, notices, photos, etc. that will support your claim. Please include a *copy* of your lease and park rules. Keep all original documents.